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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,706	12/06/2000	Hidetoshi Fukuoka	M1989-8	7997
7278	7590	10/08/2003	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			SNIDER, THERESA T	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/730,706

Applicant(s)

FUKUOKA ET AL.

Examiner

Theresa T. Snider

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3,4,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,4,7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto in view of Tapp.

Takemoto discloses a similar vacuum cleaner however fails to disclose a rotation brush and motor and a filter located in the exhaust path.

Takemoto discloses an elongated hose device having an inner hollow hose disposed within an outer hollow hose (figs. 15-16, #233,234).

Takemoto discloses means connected to the hose device for connecting the inner hose with the suction inlet of the fan and the outer hose to the exhaust of the fan (fig. 16, #21a,33,29).

Takemoto discloses an elongated extension pipe having a hollow inner pipe disposed within a hollow outer pipe, the pipes connecting to the respective hoses (fig. 16, #62,63).

Takemoto discloses a floor suction tool connected to the pipe (fig. 16, #24,36,37).

Takemoto discloses a vacuum cleaner body containing a motorized fan (fig. 7, #28).

Takemoto discloses the flexible hose connected to the body (fig. 6, #21,20).

Takemoto discloses the extension pipe connected to the hose (fig. 6, #23,21).

Takemoto discloses the floor suction tool connected to the pipe (fig. 6, #34,23).

Tapp discloses a recirculating vacuum cleaner having a rotary brush and its motor in the suction tool for rotating the brush (fig. 4, #35). It would have been obvious to one of

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ordinary skill in the art to provide the brush and motor of Tapp in Takemoto to allow for continually rotation of the brush for the most effective agitation.

Takemoto discloses an air circulation exhaust path from the body to the tool (abstract).

Takemoto discloses the air circulation exhaust path including an air filter (col. 11, lines

50-55). Oka et al. discloses a recirculating vacuum cleaner having a filter, located

outside the dust collecting chamber, in the exhaust path (col. 6, lines 58-col. 7, line 4). It

would have been obvious to one of ordinary skill in the art to provide the exhaust filter of

Oka et al. in Takemoto in view of Tapp to ensure that no dust is exhausted to the floor.

3. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto in view of Tapp as applied to claim 8 above, and further in view of GB2292882.

Takemoto in view of Tapp discloses a similar vacuum cleaner however fails to disclose directing of the exhaust onto the brush.

With respect to claim 8, GB2292882 discloses a vacuum cleaner that directs exhaust air onto a rotating brush(page 2). It would have been obvious to one of ordinary skill in the art to provide the exhaust direction of GB2292882 in Takemoto in view of Tapp to allow for the most effective suctioning of dirt from a surface. Tapp discloses electric lines from the body to the motor, passing along the air circulation exhaust path(col. 3, lines 47-49, fig. 4, #39,38).

With respect to claims 3-5, GB2292882 discloses the cleaner being constructed such that exhaust air is directed to the rotation brush to augment rotation thereof (fig. 2, #6,5,4).

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4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto in view of Tapp in view of GB2292882 as applied to claim 8 above, and further in view of CA972510.

Takemoto in view of Tapp and GB2292882 disclose a similar vacuum cleaner however fails to disclose a pivoting pipe.

CA972510 discloses a vacuum cleaner having an exhaust path which uses a pivoting pipe (page 6, lines 7-10). It would have been obvious to one of ordinary skill in the art to provide the pivoting pipe of CA972510 in Takemoto in view of Tapp and GB2292882 to allow for ease in maneuvering the toll to various locations. It further would have been obvious to one of ordinary skill in the art to ensure for pivoting in Takemoto in view of Tapp, GB2292882 and CA972510 that would not cause the motor wires to be disconnected during use.

#### *Response to Arguments*

5. Applicant's arguments with respect to claims 3-4 and 7-8 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dyson and Bair et al. disclose vacuum cleaners having filters in an exhaust path.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

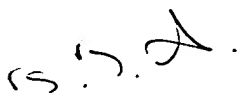
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (703) 305-0554. The examiner can normally be reached on Monday-Wednesday-Friday (6:30AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (703) 308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
**THERESA T. SNIDER**  
**PRIMARY EXAMINER**

Theresa T. Snider  
Primary Examiner  
Art Unit 1744

TTS